

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) MATTICE/CARTER
)
v.) CASE NO. 1:09-CR-98
)
MARISHA PETERS)

O R D E R

On February 25, 2010, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to Count One of the Indictment, the lesser included offense of conspiracy to distribute and possess with the intent to distribute 271.15 grams of a mixture or substance containing a detectable amount of cocaine hydrochloride in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment, the lesser included offense of conspiracy to distribute and possess with the intent to distribute 271.15 grams of a mixture or substance containing a detectable amount of cocaine hydrochloride in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C); (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall be taken into custody pending sentencing in this matter (Doc. 412). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to Count One of the Indictment, the lesser included offense of conspiracy to distribute and possess with the intent to distribute 271.15 grams of a mixture or substance containing a detectable amount of cocaine hydrochloride in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C), in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment, the lesser included offense of conspiracy to distribute and possess with the intent to distribute 271.15 grams of a mixture or substance containing a detectable amount of cocaine hydrochloride in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C);

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL BE TAKEN INTO CUSTODY** pending sentencing on **Monday, May 24, 2010, at 9:00 am.**

SO ORDERED.

ENTER:

/s/*Harry S. Mattice, Jr.*
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE